

NOV 30 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application:

Confirmation No.: 7194

Reinhard HIESINGER

Group Art Unit: 2851

Serial No.: 10/722,398

Examiner: David M. GRAY

Filed: November 28, 2003

Atty. Dkt. No.: P69334US0

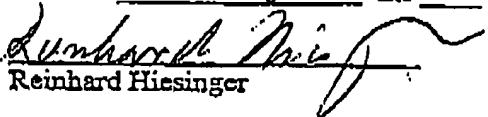
For: VARIABLE BACKGROUND FOR PHOTOGRAPHIC PICTURES

DECLARATION UNDER 37 C.F.R. § 1.132

1. I, Reinhard Hiesinger, am a citizen of Germany and reside at Memminger Straße 41, Ottobeuren, Germany.
2. I am the inventor in the above-referenced U.S. patent application Serial No. 10/722,398.
3. I am familiar with the above-referenced U.S. patent applications Serial Nos. 10/722,398 and the reference of Novoflex MagicStudio website cited by the Examiner.
4. I am the managing director and one of the owner of Novoflex Präzisionstechnik, which owns the cited website - www.novoflex.de. Please refer to the attached domain registration information.
5. I respectfully submits that the content of the Novoflex MagicStudio as cited by the Examiner is my own work and the website describes my own work.
6. Therefore, it is improper to use the Novoflex MagicStudio website as cited by the Examiner as a reference against the present application under 35 U.S.C. 102(a) since such disclosure is my own work, not publication of another. Accordingly, withdrawal of the rejection under 35 U.S.C. 102(a) is respectfully requested.
7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

EXECUTED at Memmingen this 29 day of November, 2005.

By


Reinhard Hiesinger